

REMARKS

Applicants have not amended the claims in this response.

Claims 10-22 and 27-38 were previously cancelled.

Claims 1-9 and 23-26 are currently pending in the application.

Claims Rejections – 35 USC § 102

(A) Claims 1-4, and 9 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,662,617 to Odell et al. (“Odell”).

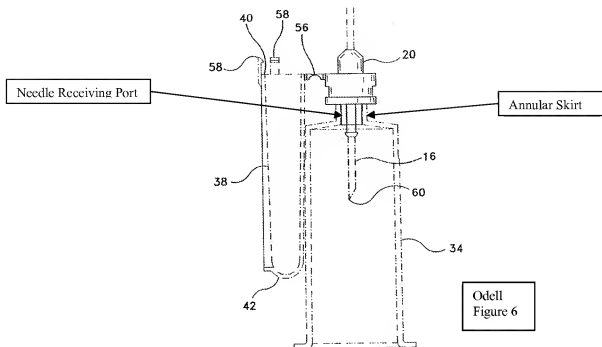
This rejection is respectfully traversed.

Of the claims rejected, claim 1, is independent, with the remaining claims dependent thereon.

Claim 1 recites a holder assembly comprising among other things:
*a safety shield pivotably attached to a collar,
the collar being received between the annular skirt and the needle receiving port of the
holder housing*

Applicants submit that Odell fails to disclose at least the claimed feature of the collar being received between the annular skirt and the needle receiving port of the holder housing.

Odell discloses a protective barrier assembly for shielding a needle cannula in which a mounting (collar) (48) holds shield (38) onto needle hub (20) at the distal end of tube holder (34) and needle receiving port. (See Fig. 6, on next page, emphasis added).



Therefore the mounting (collar) (48) of Odell is not located in between the annular skirt and the needle receiving port of the holder housing but at the distal end of both.

Thus Odell fails to anticipate claim 1.

For these reasons, Applicants submit that claim 1, and dependent claims 2-4, and 9, are not anticipated by the cited reference.

Nor would Odell render claims 1 obvious.

There is no suggestion in Odell whatsoever to attach mounting collar (48) directly to the holder housing let alone locate the mounting collar between the annular skirt and the needle receiving port of the holder housing.

In contrast, Odell teaches that a mounting collar is provided to secure the shield to the (needle) hub (see Col 4, line 29 to 30 and Figs 1-39).

Therefore, claim 1 teaches away by disclosing attachment of the mounting collar to the holder housing.

Furthermore it would require a complete redesign of the holder housing and needle hub of Odell in order to be able to locate the mounting collar between the annular skirt and needle receiving port.

Accordingly, it is submitted that the holder assembly as defined by claim 1 is not taught or suggested by Odell. In addition, claims 2-4, and 9 being dependent on claim 1 are likewise patentable over the cited reference.

Claims Rejections – 35 USC § 103

(B) Claims 3 and 4 are rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Odell.

(C) Claims 3, 4 and 7 are rejected under 35 U.S.C. § 103(a) as obvious over Odell in view of U.S. Patent No. 6,695,819 to Kobayashi. (“Kobayashi”).

(D) Claim 8 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Odell in view of U.S. Patent No. 5,681,295 to Gyure et al. (“Gyure”).

(E) Claims 5 to 7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Odell in view of U.S. Patent No. 5,277,311 to Hollister. (“Hollister”).

In rejections (B) (C) (D) and (E) listed above, the Examiner in addition to Odell cites Kobayashi, Gyure, and Hollister.

Kobayashi, Gyure, and Hollister do not overcome the deficiencies of Odell when considered in combination or individually, as explained above in connection with rejection (A) of claim 1.

Kobayashi, is relied on only for the disclosure of a hanger bar is part of the safety shield and the hook arm is part of the collar, and Gyure is only used to show the disclosure of a collar having one or more slits in a rearward portion.

Hollister is relied on for the disclosure of a holder assembly comprising a collar that attaches to the forward end of the holder housing. However Hollister teaches a collar mounted on the outer surface of the forward end of the holder housing.

Thus Hollister alone or in combination with Odell fails to teach or suggest the attachment location of a collar between the annular skirt and needle receiving port of the holder housing. Once again it would require a complete redesign of the holder housing and needle hub of Hollister in order to be able to locate the mounting collar between the annular skirt and needle receiving port.

Therefore applicant submits that the claims listed in rejections (B) (C) (D) and (E) being dependent on claim 1, are patentable over the cited references.

(F) Claims 23 to 26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Odell in view Kobayashi further in view of Hollister.

This rejection is respectfully traversed.

Of the claims rejected, claim 23, is independent, with the remaining claims dependent thereon.

Claim 23 recites a holder assembly comprising among other things:
a collar which attaches to the forward end of the holder housing, the collar adapted for connection with a pivoting safety shield and having a hook arm for accommodating a pivotal connection of the safety shield, wherein the annular skirt abuts the hook arm when the holder housing and the collar are in an attached position.

As discussed in rejection (A) of claim 1 there is no suggestion in Odell for the attachment of a collar to a holder housing.

Furthermore there is no suggestion in Odell, Kobayashi and Hollister that the annular skirt of the holder housing abut the hook arm when the holder housing g and the collar are in an attached position.

Hollister teaches a collar mounted on the outer surface of the forward end of the holder housing. Thus it not apparent how the annular skirt of Hollister can be modified or redesigned in order to abut a hook arm on the collar.

Kobayashi, is relied on only for the disclosure of a hanger bar is part of the safety shield and the hook arm is part of the collar, but does not overcome the deficiencies of Odell or Hollister when considered in combination or individually.

Accordingly, it is submitted that the holder assembly as defined by claim 26 is not taught or suggested by the cited references. In addition, claims 24 to 26 being dependent on claim 23 are likewise patentable over the cited references.

Conclusion

In view of the remarks herein, applicant submits the claims are patentably distinct over the prior art and allowable in form.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 02-1666.

If the Examiner has any questions or comments relating to the present application, he or she is respectfully invited to contact Applicant's agent at the telephone number set forth below.

Respectfully submitted,

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